

**REMARKS**

Initially, Applicant notes that the remarks and amendments made by this paper are consistent with the proposals presented to the Examiner during the telephone call of April 25, 2007.

The Non-final Office Action, mailed March 8, 2007, considered and rejected claims 1-36. Claims 1-7, 15, 19-21, 25-29 and 34 were rejected as being unpatentable under 35 U.S.C. 103(a) over Jackson (US 7,116,782) hereinafter *Jackson* in view of Ault et al. (US 6,377,994) hereinafter *Ault*. Claims 8-13, 16-18, 22-24, 30-33, and 35-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Jackson* et al. and *Ault* et al. as applied to claim 5 above, and further in view of Musgrave et al. (US 6,202, 151) hereinafter *Musgrave*. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Jackson* et al. – *Ault* et al. as applied to claim 12, and further in view of Peinado (US 7,073,063) hereinafter *Peinado*.<sup>1</sup>

By this response, claims 1, 3 and 28 have been amended<sup>2</sup>, and no claims have been added or cancelled, such that claims 1-36 remain pending, of which claims 1, 19, 20, and 27 are the only independent claims at issue.

The pending claims are currently directed to embodiments for ensuring that data stored by a client computing device is not in an altered state when it is subsequently accessed. Claim 1, for example, recites a method for ensuring that data stored in a persistent storage of a client computing device by the client computing device have not been modified when the data are subsequently accessed for use by the client computing device. The method comprises the steps of employing a key that is only known and available for use by a server computing device to compute a signature for the data before the data are stored in the persistent storage by the client computing device. The signature and the data are then stored in the persistent storage of the client computing device. Before the stored data are subsequently used by the client computing device, the unaltered state of the data is verified utilizing the key that is only known and available for use by the server computing device, as well as the stored data, to generate a

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the claim amendments is clearly found within the disclosure of Applicants' originally filed application, including at least the disclosure found in page 2, line 32 and page 15, line 10. Accordingly, Applicants respectfully submit that the claim amendments do not add new matter, and entry thereof is respectfully requested.

temporary signature that is compared with the stored signature. The stored data are then only used if the step of verifying indicates that the data that were stored have not been changed since the signature was computed before storing the data.

Applicant respectfully notes that while Jackson in view of Ault appears to disclose a method and system using a key to securely sign data on the computing device, the combined references do not disclose various features of the present invention. In contrast to Applicants claimed invention, for example, Jackson does not disclose any embodiment that would include computing a signature for the data before storing the data by the client computing device and storing both the data and the signature in the persistent storage of the client computing device. In the office action, Examiner has relied upon fig. 3, column 7, line 61 – column 8, line 6, column 10, lines 11-23, column 11, lines 13-22, and column 12, lines 23-36 of Jackson to demonstrate these claim limitations.

Applicant respectfully submits that while this referenced disclosure relates to some aspects of the claimed invention, they do not disclose all of the claimed features, as purported. For example, fig. 3 shows only a method for creating a digital signature using public and private keys. The figure does not disclose the source of the keys, the source of the data, or what device is storing the data. A closer look at the detailed description of Fig. 3, column 11, lines 1-22, description of Fig. 3, reveals that the data disclosed are a library of "shared objects". Furthermore, it is disclosed that numerous shared objects may be dynamically loaded and executed, but it is not disclosed that the client computing device ever stores the referenced shared objects along with the digital signature. The fact that the client computing device is not the one storing the signed data is further supported by the cited reference of column 12, lines 23-36 where it is revealed that a regulatory commission may hold the private key so that the *game code has been approved* suggesting that the digital signing is not taking place at the time the client computing device stores the data.

Additionally, the disclosure of column 7 is merely laying a background of hash and encryption techniques. There is nothing in the disclosure that is specific to the invention. Furthermore, the disclosure itself is related to signing and encrypting digital documents for transmission rather than for storage. The disclosure is also reciting the usual shared key technique, something that the currently claimed invention does not require. In fact, the

Specification of the current application specifically states on page 2, line 10, "a method for ensuring that stored data have not been altered that does not require key sharing" is needed.

While only the specific limitations of claim 1 have been discussed, independent claims 19, 20, and 27 were rejected using the same rationale as claim 1 and the above arguments are therefore appropriate for those claims as well. It will be appreciated that because the all of the independent claims have been addressed, each dependent claim is allowable over the cited art for at least the same reasons, and the other rejections and assertions of record with respect to the other dependent claims are now moot, and therefore need not be addressed individually. Nevertheless, to further differentiate between the cited references and the present invention, dependent claims 8, 11, 16, 22, 23, 30, 32 and 35 and their associated dependent claims will be addressed.

With respect to claim 8, the method further includes obtaining a signer identification (ID) for the client computing device, wherein the ID uniquely identifies the client computing device and not being controlled by the operator of the client computing device. The examiner has acknowledged that such a feature is not present in the teaching or suggesting of Jackson and Ault. To demonstrate this feature, the Examiner relies on Musgrave. However, Applicant respectfully disagrees with the conclusion that Musgrave teaches the limitations of claim 8. Specifically, Musgrave does not teach or suggest the required limitation of the ID uniquely identifying the client computing device rather than the operator of the device. Instead, Musgrave discloses a technique for combining biometric identification with digital certificates for electronic authentication called biometric certificates and for obtaining the identification of the operator (not the client computing device). It is disclosed in Musgrave that biometric data includes genetic composition, fingerprints, hand geometry, iris and retinal appearance, etc. All of these features are clearly user related, not client computing device related. Because claims 11, 16, 22, 23, 30, 32 and 35 all contain the same language limiting the ID to the client device, they are allowable for at least the same reasons articulated for claim 8.

In view of the foregoing, Applicant respectfully submits that each of the pending independent and dependent claims is patentable over the cited art and requests prompt

allowance.<sup>3</sup> In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8<sup>th</sup> day of June, 2007.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
JOHN C. BACOCH  
Registration No. 59,890  
Attorneys for Applicant  
Customer No. 022913

RDN:JCJ:JCB:tb  
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<sup>3</sup> It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.